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09/496,549	02/02/2000	GEORGE KING	96P7613US03	5563

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EXAMINER

QURESHI, AFSAR M

ART UNIT

PAPER NUMBER

2662

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 21

Application Number: 09/496,549
Filing Date: February 02, 2000
Appellant(s): KING, GEORGE

Brian K. Johnson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on January 08, 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 32-40 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal:

5,668,857

McHale

07-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 32-40 are rejected under 35 U.S.C. 102(b) as being anticipated by McHale (US 5,668,857).

Claim 32. McHale discloses a method and apparatus for sending data directly to a router by **routing** a digital data call to destination received at splitter 50 (**termination unit**) communicating with **switch** 56 in central office 14.

Digital data call is received at splitter 50. The splitter divides each incoming twisted pair subscriber line into a twisted pair phone line and a twisted pair data line. Telephone service is provided to telephone switch 56 and data is sent directly to **router 60** via data line 54 **external to the switch** 56 (see col. 2, lines 31-37 and col. 4, lines 22-36).

Claims 33-36. As can be seen from figure 1, the data call is intercepted, at the splitter 50, **ahead of switch 56** (claim 33), **switching network 64** (claim 34), and a **remote line termination unit** such as router 60 (claim 36).

McHale discloses an input / output circuitry 118 (see figure 3) of communication server 58 connecting to the data line (see col. 8, lines 5-13) inherently working as a **switch interface module** (claim 35).

Claims 37 and 39. Assigning a logical identifier to the digital data call is inherent in that a call from subscriber 12 (McHale - figure 1) will have to be assigned an address for the call to reach its destination. Also, associating a call with the subscriber line is inherent in that without associating the call with a particular port or subscriber line the call cannot be routed. For example, if a call is forwarded from a network 64 (McHale - figure 1) and to be routed to subscriber 12, it is necessary that the call is to be associated to a port or subscriber line coupled to subscriber 12.

Claim 38. Means for routing a digital data call on the subscriber line connected to a **termination unit** (splitter 50) communicating with a switch 56 in central office 14, and

means for receiving digital data call (splitter 50) to the router bypassing the switch is already discussed in the rejection of claim 32.

A **channel** 54 for routing the digital data call from the termination unit (splitter 50) to the destination is shown in figure 1, as can be seen the channel is external to switch 56.

Claim 40. McHale discloses Computer 22, interpreted as terminating unit, that has interface (PCMCIA or network interface card 31) card, which is functionally same as basic rate interface card (see figure 1).

(11) Response to Argument

On page 2, Appellants argued that the applicant's claimed termination unit was equated with McHales's Splitter 50 (figure 1) that does not terminate the line. Appellants then suggested some of the possible termination units, such as, basic rate interface; subscriber line interface circuits; remote data terminal etc., in the Brief on Appeal.

In response, the examiner contends that since the termination unit, *as claimed*, has not been identified as a specific unit performing a specific function, it can be equated to Splitter 50, disclosed by McHale. The splitter works as frequency division demultiplexer and separates channels in communication circuits. The data call, carried over subscriber line 16, inherently *terminates* at the splitter 50. The splitter divides the data call into telephone service sending it to switch 56, and data is sent directly to router 60, as specified in the Office action.

On page 3, Appellants argued that the reference must teach every element of the claim.

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In response, Examiner believes that all limitations set forth in claims 32-40 are met by the McHales reference, as explained in the rejection.

For the above reasons, it is believed that the rejections should be sustained.



Afsar M. Qureshi
Examiner
Art Unit 2662


Respectfully submitted,

January 24, 2003

Conferees
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